



DEPARTMENT OF THE ARMY
ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY
105 ARMY PENTAGON
WASHINGTON DC 20310-0105

02 SEP 2010

MEMORANDUM THRU COMMITTEE MANAGEMENT OFFICER FOR THE
DEPARTMENT OF DEFENSE, OFFICE OF THE DIRECTOR, ADMINISTRATION AND
MANAGEMENT

FOR DIRECTOR, ADMINISTRATION AND MANAGEMENT, OFFICE OF THE
SECRETARY OF DEFENSE

SUBJECT: Renewal of Charter for the Missouri River (South Dakota) Task Force

1. Request renewal of the charter for the Missouri River (South Dakota) (MRSD) Task Force. The MRSD Task Force is a Department of Defense Federal advisory committee under the purview of the Secretary of the Army.
2. The justification memorandum and proposed charter for the MRSD Task Force are enclosed for your consideration. The documents meet the criteria established in DoD Instruction 5105.04 (Department of Defense Federal Advisory Committee Management Program), E3.4.6.2.1. Recommend approval to continue the committee.
3. My point of contact for this action is Mr. Hok Lim, 703-602-7187 or hok.lim@conus.army.mil.

Encls


JOYCE E. MORROW

Questions for South Dakota Renewal

Indicate whether or not the Committee is accomplishing its mission

Yes, the Committee is accomplishing its mission to recommend to the Secretary, critical projects for implementation. The first step in accomplishing this task is to prepare an Assessment as required by the legislation. The Committee is actively involved in this task.

Provide rationale for the Committee's continued operation

As stated above, the Committee is actively involved in the process of preparing the Assessment required by the legislation. The Assessment cannot be completed without the Committee's continued operation. Without the Assessment, no critical projects can be identified or recommended for implementation, and Congressional intent will not be met.

Specify the Committee's accomplishments with regards to DoD

The Committee is following the outline in the legislation and the FACA guidance in conducting meetings and preparing to address the completion of an Assessment. The legislation requires that a certain process be followed in order to recommend critical projects to the Secretary for implementation. The Committee continues to work with the U.S. Army Corps of Engineers, Omaha District, to move the Assessment forward.

Explain why the Committee's operations could not be performed by existing DoD resources and/or absorbed by another existing DoD-supported Committee.

This is a unique legislation created solely for the State of South Dakota to address sedimentation issues in the State. The legislation authorizes a broad spectrum of potential projects in the State. No other program or legislation provides this type of authority, and the legislation specifies that the Committee is to perform the activities specified under the Act.

Indicate what type of impact the discontinuation of the Committee could have on DoD.

Discontinuation of the Committee would stop the Assessment from being completed and deny the purpose and intent of the Title IX legislation. Discontinuing the Committee would also hamper efforts with the State of South Dakota and the Tribes to collaborate with the Corps of Engineers on future projects, while harming other ongoing efforts.

CHARTER
MISSOURI RIVER (SOUTH DAKOTA) TASK FORCE

1. Committee's Official Designation: The Committee shall be known as the Missouri River (South Dakota) Task Force (hereafter referred to as "the Task Force").
 2. Authority: The Secretary of Defense, under the provisions of Section 905 of Title IX, the Missouri River Restoration Act of 2000, Public Law 106-541 and the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix) and 41 CFR § 102-3.50(a), established the Task Force.
 3. Objectives and Scope of Activities: The Task Force shall provide independent advice and recommendations on plans and projects to reduce siltation of the Missouri River in the State of South Dakota, as set out in paragraph 4 below and in Section 905 of Title IX, the Missouri River Restoration Act of 2000, Public Law 106-541.
 4. Description of Duties: The Task Force shall provide independent advice and recommendations to the Secretary of the Army on plans and projects to reduce siltation of the Missouri River in the State of South Dakota and to meet the objectives of the Pick-Sloan Program. Specifically, the Task Force shall:
 - a. Prepare and approve, by a majority of the members, a plan for the use of the funds made available under Public Law 106-541, to promote conservation practices in the Missouri River watershed, control and remove the sediment from the Missouri River, protect recreation on the Missouri River from sedimentation, and protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion;
 - b. Develop and recommend to the Secretary of the Army for implementation critical restoration projects meeting the goals of the plan; and
 - c. Determine if these projects primarily benefit the Federal Government.
- The Secretary of the Army may act upon the Task Force's advice and recommendations.
5. Agency or Official to Whom the Committee Reports: The Task Force shall report to the Secretary of the Army.
 6. Support: The Department of Defense, through the Secretary of the Army, the Assistant Secretary of the Army for Civil Works, and the U.S. Army Corps of Engineers, shall provide support as deemed necessary for the performance of the Task Force's functions and shall ensure compliance with the requirements of the Federal Advisory Committee Act of 1972 and the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b).

7. Estimated Annual Operating Costs and Staff Years: It is estimated that the annual operating costs, to include travel costs and meeting and contract support, is approximately \$250,000.00 and 1.0 full-time equivalent (FTE).
8. Designated Federal Officer: The Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. In addition, the Designated Federal Officer is required to be in attendance at all committee and subcommittee meetings; however, in the absence of the Designated Federal Officer, the Alternate Designated Federal Officer shall attend the meeting.
9. Estimated Number and Frequency of Meetings: The Task Force shall meet at the call of the Task Force's Designated Federal Officer, in consultation with the Chairperson. The estimated number of Task Force meetings is no less than two per year.
10. Duration: The need for this advisory function is on a continuing basis; however this charter is subject to renewal every two years.
11. Termination: The Task Force shall terminate upon repeal of the statutory authority requiring the establishment of the Task Force. The statutory authority is Section 905(a) of Title IX, the Missouri River Restoration Act of 2000, Public Law 106-541.
12. Membership and Designation: As prescribed by Public Law 106-541, the Task Force shall be composed of not more than twenty nine members. Specifically, the Task Force membership shall be composed of:
 - a. Secretary of the Army or designee, who shall serve as the Chairperson;
 - b. Secretary of Agriculture or designee;
 - c. Secretary of Energy or designee;
 - d. Secretary of the Interior or designee; and
 - e. The Trust. The Trust is composed of twenty five members to be appointed by the Secretary of the Army, including:
 - i. Fifteen members recommended by the Governor of South Dakota that represent equally the various interest of the public. Included in those fifteen members, there shall be recommendations of representatives of the South Dakota Department of Environment and Natural Resources, the South Dakota Department of Game, Fish, and Parks, environmental groups, the hydroelectric power industry, local governments, recreation user groups, agricultural groups, and other appropriate interests.

- ii. The Trust also shall include one member recommended by each of the nine Indian Tribes in the State of South Dakota; and one member recommended by the organization known as the "Three Affiliated Tribes of North Dakota."

These individuals recommended for The Trust shall be appointed by the Secretary of the Army as representative members to the Task Force.

All Task Force members shall be appointed for two-year terms and generally will serve no more than four years total on the Task Force, or as determined by the Secretary of the Army or designee. In addition, all Task Force members shall, with the exception of travel and per diem for official travel, serve without compensation.

13. Subcommittees: With DoD approval, the Task Force is authorized to establish subcommittees, as necessary and consistent with its mission. These subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), and other appropriate Federal statutes and regulations.

Such subcommittees or workgroups shall not work independently of the chartered Task Force, and shall report all their recommendations and advice to the Task Force for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Task Force; nor can they report directly to the Department of Defense or any Federal officers or employees who are not Task Force members.

Subcommittee members, who are not Task Force members, shall be appointed in the same manner as Task Force members.

14. Recordkeeping: The records of the Task Force and its subcommittees shall be handled according to section 2, General Record Schedule 26 and appropriate Department of Defense policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552).

15. Filing Date: